

MINUTES

PROFESSIONAL STANDARDS COMMISSION MEETING

Price Theater
LAGRANGE COLLEGE
LaGrange, Georgia

April 5, 2001

The Georgia Professional Standards Commission (PSC) met on Thursday, April 5, 2001, at 9 a.m. at Price Theater, LaGrange College, LaGrange, Georgia.

Members Present

| | | |
|----------------|-----------------|-------------|
| Anne Adams | Angela Finn | Janet Scott |
| Phoebe Bailey | Thomas Harrison | Sue Sehgal |
| Vicky Cody | Willda Melton | Beth Steele |
| John Culbreath | Vernon Payne | Pam Thomas |
| Amy Denty | | |

Members Absent

Kay Cribbs
Terri DeLoach
Leon Hurley
Debbie Lane
David Wallace

Visitors

- Gail Wooten, Professional Association of Georgia Educators
- Gretchen Simpson, Georgia Association of Educators
- Stephanie Carreker, Georgia Department of Education
- Jennifer Harrison, LaGrange College
- Bob Holland, Georgia Association of Educators
- Roy Nichols, Troup County Schools
- Evelyn Jordan, LaGrange College

I. CALL TO ORDER

Chairman Culbreath called the meeting to order at 9:00 a.m. and led the assemblage in the Pledge of Allegiance to the U.S. flag and a moment of silence.

II. RECOGNITION OF VISITORS

Chairman Culbreath recognized the visitors and asked Troup County Superintendent, Roy Nichols, to address the commission regarding the current concerns and future plans of the Troup County school system.

III. ADOPTION OF AGENDA

Chairman Culbreath called for approval of the agenda.

MOTION: (Thomas/Payne) To adopt the agenda as presented.

ACTION: Approved.

IV. APPROVAL OF MINUTES

Chairman Culbreath called for approval of the minutes from the March 1, 2001, Commission meeting.

MOTION: (Payne/Thomas) To approve the minutes as written.

ACTION: Approved.

V. COMMITTEE REPORT

A. Professional Practices Review Committee

1. The Professional Practices Review Committee brought motions to the Commission regarding this month's *Thirty-nine (39) Probable Cause* cases. These were as follows:

| <u>Case No.</u> | <u>Committee Recommendation</u> |
|-----------------|---|
| 00-12-838 | Monitoring for One Year (4 Quarters) |
| 00-12-910 | No Probable Cause |
| 01-01-950 | No Probable Cause |
| 01-01-1026 | Monitoring for One Year (4 Quarters) |
| 01-01-1040 | Monitoring for One Year (4 Quarters) |
| 01-01-1063 | No Probable Cause |
| 01-02-1209 | No Probable Cause |
| 01-02-1175 | Revocation |
| 00-11-737 | Extend Probable Cause Determination for Additional 30 Days |
| 01-01-987 | Warning |
| 01-01-991 | Suspension for Six Months and Monitoring for Two Years (Eight Quarters) |
| 00-12-880 | Suspension for Six Months |
| 01-01-989 | Suspension for One Year |
| 01-01-992 | Suspension for Six Months |
| 01-01-995 | No Probable Cause |
| 01-01-1052 | No Probable Cause |
| 01-01-1053 | Suspension for Six Months |
| 01-01-1028 | Suspension for Six Months |
| 01-01-1041 | No Probable Cause |
| 01-02-1089 | Suspension for One Year |
| 01-01-1055 | Revocation |
| 01-01-981 | No Probable Cause |
| 01-01-996 | Suspension for Six Months |

| <u>Case Number</u> | <u>Committee Recommendation</u> |
|--------------------|--|
| 00-09-425 | Extend Probable Cause Determination for Final 30 Days |
| 00-12-841 | Extend Probable Cause Determination for Additional 30 Days |
| 01-01-1004 | No Probable Cause |
| 01-01-1031 | No Probable Cause |
| 01-01-1064 | No Probable Cause |
| 01-01-1069 | No Probable Cause |
| 01-01-1071 | No Probable Cause |
| 01-02-1085 | No Probable Cause |
| 01-02-1113 | No Probable Cause |
| 01-02-1150 | No Probable Cause |
| 01-02-1157 | No Probable Cause |
| 01-02-1160 | No Probable Cause |
| 01-02-1165 | No Probable Cause |
| 01-02-1177 | No Probable Cause |
| 01-02-1179 | No Probable Cause |
| 01-02-1188 | No Probable Cause |

MOTION: (Harrison/Sehgal) To accept the motions of the Professional Practices Review Committee in the first twenty-five (25) probable cause cases, and to have further discussion of the remaining fourteen cases.

ACTION: Approved.

Opposed: Payne 01-02-1209
 Abstentions: Culbreath 01-02-1175; 01-01-996; 01-02-1157.

After further discussion of the remaining fourteen (14) cases, the following motion was made.

MOTION: (Harrison/Adams) To accept the suggestions of the Professional Practices Review Committee in the last fourteen (14) probable cause cases.

ACTION: Approved

Opposed: None
 Abstentions: Culbreath 01-02-1157.

2. The Professional Practices Review Committee brought motions to the Commission regarding this month's *Seven (7) Initial Decision* cases. These were as follows:

| <u>Case Number</u> | <u>ALJ's Decision</u> | <u>PPRC's Recommendation</u> |
|--------------------|---|------------------------------|
| 00-3-1139 | Revocation | Accept |
| 99-10-564 | No Probable Cause | Accept |
| 00-5-1418 | No Probable Cause | Accept |
| 00-3-1161 | No Probable Cause | Accept |
| 99-10-510 | Revocation | Accept |
| 00-1-849 | Revocation | Accept |
| 00-2-1057 | Reprimand with Monitoring for Two Years | Accept |

MOTION: (Payne/Harrison) To accept the motions of the Professional Practices Review Committee in all seven (7) initial decision cases.

ACTION: Approved.

Opposed: None
 Abstention: None

3. The Professional Practices Review Committee brought a suggestion to the Commission to accept all *Twelve (12) Settlement Agreements*. These were as follows:

| <u>Case Number</u> | <u>Settlement Agreement</u> |
|--------------------|---|
| 00-10-515 | Warning |
| 00-11-698 | Warning |
| 00-11-717 | Suspension for One Month |
| 00-11-798 | Suspension for One Year |
| 00-11-814 | Reprimand and Monitoring for One Year (Four Quarters) |
| 00-11-824 | Reprimand and Monitoring for One Year (Four Quarters) |
| 00-12-844 | Warning |
| 00-12-909 | Suspension for Six Months |
| 01-01-925 | Reprimand and Monitoring for One Year (Four Quarters) |
| 01-01-1061 | Warning |
| 01-03-1238 | Revocation |
| 01-02-1095 | Revocation |

MOTION: (Harrison/Payne) To accept all twelve (12) settlement agreements as recommended by the Professional Practices Review Committee.

ACTION: Approved.

Opposed: None
 Abstention: None

4. The Professional Practices Review Committee brought a suggestion to the Commission to accept the *Nine (9) negotiated Settlement Agreements*. These were as follows:

| <u>Case Number</u> | <u>Settlement Agreement</u> |
|--------------------|---------------------------------------|
| 99-4-336 | Revocation |
| 00-12-906 | Warning |
| 00-5-1468 | Warning and Monitoring for One Year |
| 00-8-233 | Suspension for Six Months |
| 00-6-1579 | Warning |
| 00-5-1514 | Suspension for Four Months |
| 00-12-830 | Reprimand and Monitoring for One Year |
| 00-2-1067 | Reprimand |
| 00-5-1499 | Suspension for Four Months |

MOTION: (Thomas/Bailey) To accept all nine negotiated settlement agreements as suggested by the Professional Practices Review Committee.

ACTION: Approved.

Opposed: None
 Abstention:

5. The Professional Practices Review Committee brought motions to the Commission regarding *Three (3) Petitions*. These were as follows:

| <u>Case Number</u> | <u>Matter</u> | <u>Recommendation</u> |
|--------------------|--|---|
| 00-6-1555 | Petition to Waive the Rule Requiring Two Years to Petition for the Right to Re-apply | Recommendation will be brought at the May meeting |
| 98-11-590 | Petition for an Early Reinstatement of Suspended Certificate | Recommendation will be brought at the May meeting |
| 01-2-1093 | Petition for extension beyond 30-days to request due process hearing | Grant |

MOTION: (Bailey/Payne) To deny the request for the right to re-apply (Case No. 00-6-1555), since sufficient time has not passed to produce the evidence needed for reconsideration.

ACTION: Approved.

Opposed: None
Abstention: None

MOTION: (Harrison/Thomas) To uphold the one-year suspension and to deny the petitioner's request for an early reinstatement (Case No. 98-11-590)

ACTION: Approved.

Opposed: None
Abstention: 98-11-590 Culbreath, Adams, Denty.

MOTION: (Bailey/Payne) To accept the suggestion of the Professional Practices Review Committee to grant the request for the right to reapply (Case No. 01-2-1093).

ACTION: Approved.

Opposed: None
Abstention: None

6. The Professional Practices Review Committee brought a suggestion to the Commission to grant *Extensions* on *Twenty-six (26)* cases in order to complete investigations. These cases are:

| <u>Case Number</u> | <u>Case Number</u> | <u>Case Number</u> |
|--------------------|--------------------|--------------------|
| 01-01-988 | 01-01-1032 | 01-02-1184 |
| 01-01-1056 | 01-01-1044 | 01-02-1189 |
| 01-01-986 | 01-02-1136 | 01-02-1206 |
| 01-01-993 | 01-02-1137 | 01-02-1211 |
| 01-01-1037 | 01-02-1139 | 01-02-1214 |
| 01-01-924 | 01-02-1145 | 01-02-1218 |
| 01-01-928 | 01-02-1148 | 01-02-1220 |
| 01-01-941 | 01-02-1151 | 01-03-1223 |
| 01-03-1224 | 01-03-1225 | |

MOTION: (Bailey/Scott) To accept the suggestion of the Professional Practices Review Committee to grant the requested extensions.

ACTION: Approved.

Opposed: None
Abstention: None

7. The March 2001 *Preliminary Investigation Determination Report* was distributed listing the *Seventy-one (71)* cases that the Cognizant members reviewed during the month.

MOTION: (Harrison/Thomas) To accept the determinations of the cognizant members in all fifty-four (54) cases.

ACTION: Approved.

Opposed: None
Abstention: None

8. During the month of February, the Student Finance Commission forwarded notifications to the Professional Standards Commission requesting the suspension of **Three (3)** educator certificates for default in the repayment of **Student Loans**. These were as follows:

Case No.
01-02-1122
01-02-1123
01-02-1127

MOTION: (Sehgal/Adams) To accept the suggestion of the Professional Practices Review Committee to suspend the three certificates as requested.

ACTION: Approved.

Opposed: None
Abstention: None

MOTION: (Scott/Thomas) To take no action at this time against the **Four (4)** educators listed as **Student Loan-Early Release** cases.

ACTION: Approved.

Opposed: None
Abstention: None

9. The following educators received notification of the Professional Standards Commission's proposed Disciplinary sanctions. In accordance with Rule No. 505-6-.04 (1) (c), the educator's failure to request a hearing within thirty days constitutes a waiver of their right to contest the proposed sanctions. Therefore, the sanctions have become the final decisions of the Commission.

| <u>Case Number</u> | <u>Sanction</u> |
|--------------------|---------------------------------------|
| 00-9-398 | Revocation |
| 00-9-395 | Suspension for Six Months |
| 00-10-595 | Reprimand |
| 00-10-631 | Revocation |
| 00-11-695 | Suspension for Six Months |
| 00-11-712 | Reprimand and Monitoring for One Year |
| 00-11-723 | Suspension for Six Months |
| 00-11-726 | Suspension for Six Months |
| 00-11-736 | Suspension for One Year |
| 00-11-769 | Warning |
| 00-11-770 | Suspension for Six Months |
| 00-11-777 | Suspension for Six Months |
| 00-11-787 | Revocation |
| 00-11-790 | Denial |
| 00-11-801 | Denial |
| 00-11-826 | Reprimand |
| 00-8-243 | Monitoring for One Year |

10. The following cases were referred to the Office of State Administrative Hearings for adjudication of the Professional Standards Commission's proposed disciplinary sanction. The Administrative Law Judge rendered an Initial Decision that was subsequently accepted by the PSC. The Initial Decision was served upon the educator. The educator's failure to request a review hearing within thirty days requires that the Initial Decision become the Final Decision of the Commission by operation of law.

| <u>Case Number</u> | <u>Sanction</u> |
|--------------------|--|
| 99-10-515 | Suspension for One Year |
| 99-12-782 | Suspension for One Year |
| 99-12-789 | Suspension for One Year and Monitoring for Two Years |
| 99-10-512 | Revocation |
| 99-7-22 | Revocation |
| 00-3-1147 | Monitoring for One Year |

11. The March 2001 *Probable Cause Determination* for Applicants for Certification was presented with the suggestion that the Commission approve those determinations as listed.

MOTION: (Sehgal/Adams) To approve the Professional Practices Review Committee's suggestion in all (39) *thirty-nine* cases listed.

ACTION: Approved.

Opposed: None
 Abstention: None

12. *Judicial Review* - Case No. 99-5-429 has now gone through the appeals process, and a Superior Court judge has reduced the sanction from a six month suspension to a reprimand with a two month suspension to be done during the summer.

MOTION: Vice Chairman Bailey made a motion to have the commission appeal this decision to the Georgia Court of Appeals.

ACTION: Unanimously approved.

EXECUTIVE SECRETARY REPORT

A. Dr. Toth discussed necessary increases in staff and the space that will be required to allow those employees to be productive as soon as they are hired. The space needs are already difficult with employees working in every possible place, but with the additional staffing, the space situation will become critical. Dr. Toth has requested appropriate action be taken by July 1 in order for this situation to be resolved.

B. The strategic planning process for the Professional Standards Commission must be completed by June 30, and therefore, Dr. Toth asked that each commissioner be available to meet with members of the staff sometime in May or early June.

C. The tenth anniversary of the Commission will be July 1, 2001. Dr. Toth hopes to have a tenth anniversary meeting in July. The location will be announced later.

D. The Southern Center for International Studies, 320 West Paces Ferry Road in Atlanta will be the location of the June 7th PSC meeting. Dr. Toth thanked Dr. Sehgal for making him aware of the important work being done by the Center.

E. Dr. Toth asked Phil Blackwell to review the proposed rules regarding Special Education. These proposed rules have been amended to clarify requirements for adding a field and to obtain a provisional certificate. If approved by the Commission, the changes would become effective July 1, 2001. The following motion was made.

MOTION: (Bailey/Sehgal) To rescind the proposal made at the March meeting, to initiate the *rule-making process* for the seven special education rules. (505.2.52, 505-2-.71, 505-2-.75, 505-2-.80, 505-2-.83, 505-2-.86, 505-2-.97).

ACTION: Approved.

Opposed: None
Abstention None

MOTION: (Cody/Bailey) To initiate a new *rule-making process* by formally intending to adopt (amended) special education certification rules (505.2.52, 505-2-.71, 505-2-.75, 505-2-.80, 505-2-.83, 505-2-.86, 505-2-.97).

ACTION: Approved.

Opposed: None
Abstention None

F. Dr. Toth asked Dr. Fran Watkins to make a presentation to the Commission regarding a proposed change to the approval review process. It has been the practice of the Educator Preparation Section of the PSC when dealing with RESA and school-based endorsement programs, to have a developmental review for the purpose of approving or denying any new program. Following that initial developmental review, a more in-depth comprehensive review was to be done in three years. The Executive Secretary and staff would like to change that procedure to allow for annual performance reviews to say, "Here's what we're doing," and "Here's how well we're doing." Since we are able to collect performance data, examine it, and bring it to the commission in a format that would be useful in making decisions, it would allow us to do only an on-site continuing review at the five year mark after a program is operational. The only on-site, comprehensive (three-year) reviews would be those where the commission felt there was a concern.

MOTION: (Bailey/Thomas) To accept the change of approval review process for RESA and school-based endorsement programs from comprehensive reviews to annual performance reviews.

ACTION: Approved.

IX. CHAIRMAN'S REPORT

Chairman Culbreath gave a short report on the current work of the Education Coordinating Council and stated that the ECC is evolving into the Board or Council of the Office of Educational Accountability. Dr. Bailey mentioned that she has been selected to work on the Professional Standards Commission Report Card.

X. OTHER BUSINESS

None.

XI. ADJOURNMENT

MOTION: (Payne/Sehgal) To adjourn the meeting.

ACTION: The meeting was adjourned at 11:50 a. m.